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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KILLIAN D. MURPHY

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Appeal 2009-007610  
Application 10/033,520  
Technology Center 2100

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Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and  
HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

### STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-21, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

#### *Invention*

Appellant's invention relates to a magnifying tool that enlarges a selected region of displayed image surrounding a cursor in a graphical user interface (GUI), and superimposes the enlarged region directly over the selected region (and a portion of the adjacent non-selected region). The location of the cursor relative to the enlarged region is co-located with the location of the cursor relative to the selected region such that the locations are identical. Abstract.

#### *Representative Claim*

1. A method of digital image magnification in a graphical user interface (GUI), the method comprising:

identifying a selected region of a first image adjacent to a cursor in the GUI, wherein the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI;

forming a magnified image including an enlarged version of the first image located in the selected region;

superimposing the magnified image over the first image such that the magnified image masks the selected region; and

superimposing the cursor over the magnified image to form a second image.

*Examiner's Rejections*

Claims 1-4, 11, 14, 15, and 18-21 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rodriguez (US 6,704,034) and Mullet (US 5,638,523)

Claims 5-10, 12, 13, 16, and 17 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rodriguez, Mullet, and Chui (US 6,407,747).

*Claim Groupings*

In view of Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of claims 1 and 14. *See* 37 C.F.R. § 41.37(c)(1)(vii).

PRINCIPAL ISSUE

Does the combination of Rodriguez and Mullet teach “identifying a selected region . . . wherein the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI” and “superimposing the cursor over the magnified image to form a second image” as recited in claim 1?

FINDINGS OF FACT

1. Mullet teaches a method and apparatus for browsing through information in a computer database. The information to be browsed is displayed on a display screen. A browsing tool, which resembles a magnifying glass, is displayed on the display screen on top of the information. The browsing tool has a viewing lens with targeting crosshair

and a magnifying reticle. When the browsing tool is in magnification mode, the information within magnifying reticle is enhanced such that it fills the entire viewing lens of the browsing tool. Title; Abstract.

2. A cursor 21 is rendered on the display screen 27. The cursor is used by an operator to select and position objects on the display screen. Fig. 1; col. 4, ll. 13-15.

3. The browsing tool 10 is rendered on the display screen 27 such that it appears over the database information to be browsed through. An operator selectively positions the browsing tool 10 on the display screen 27 by moving the cursor 21 using a cursor control device 25. Figs. 1, 2A, 3A; col. 4, ll. 39-44; col. 5, ll. 46-51.

4. The information within the browsing tool's viewing lens 15 area is not enhanced while the browsing tool 10 is moved across the display screen. After the browsing tool remains stationary for an amount of time, the area within the magnifying reticle 13 becomes enhanced. Fig. 3A; col. 4, ll. 44-50; col. 5, ll. 56-67.

5. The browsing tool 10 enhances the information within the magnifying reticle 13 such that the information fills the viewing lens 15. Col. 4, l. 65 to col. 5, l. 4; col. 6, ll. 8-14; Figs. 3B and 3C.

6. Figures 3A, 3B, and 3C show an example of using a browsing tool to select and enlarge a portion of an image displayed on a screen. Figures 3A, 3B, and 3C are reproduced below:

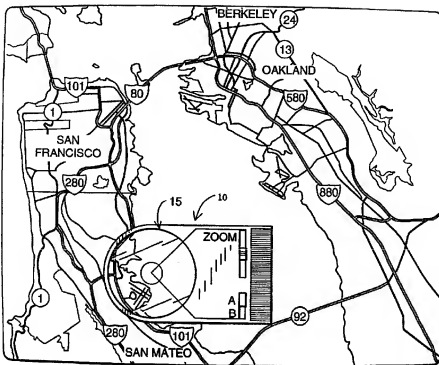


Figure 3A

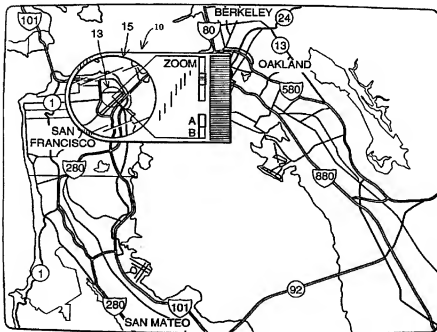


Figure 3B

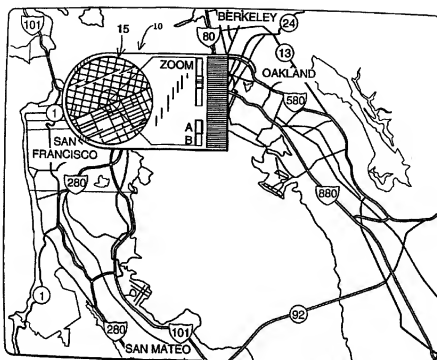


Figure 3C

## PRINCIPLES OF LAW

### *Obviousness*

“What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416.

## ANALYSIS

### *Section 103 rejection of claims 1-13 and 18-21*

Appellant contends that “the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI”

and “superimposing the cursor over the magnified image to form a second image” as recited in claim 1 are not taught by the prior art.

Mullet teaches that a cursor and a browsing tool are displayed on a screen over information to be browsed. FF 2-3. A user can move the browsing tool across the screen using the cursor. FF 3. Information in an area within a reticle portion of the browsing tool is then enlarged. FF 1, 4-6.

The information within the reticle of the browsing tool of Figure 3B of Mullet (FF 6), which is identified by the user by moving the cursor to position the browsing tool at the desired location (FF 3), teaches “identifying a selected region of a first image adjacent to a cursor in the GUI, wherein the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI.”

Enhancing the information within the reticle to fill the viewing lens as shown by Figure 3C of Mullet teaches “forming a magnified image including an enlarged version of the first image located in the selected region.”

Displaying the enhanced image over the original unenhanced image as shown by Figure 3C of Mullet teaches “superimposing the magnified image over the first image such that the magnified image masks the selected region.”

Mullet teaches that the viewing area is a part of the browsing tool (FF 4-6), and that the user positions the browsing tool by moving the cursor (FF 3). Mullet also teaches that after the browsing tool remains stationary for an amount of time, the portion of the image within the reticle is enlarged (FF 4). A person of ordinary skill in the art at the time of invention would have recognized that positioning the browsing tool by moving the cursor as taught



by Mullet includes placing the cursor over the viewing area of the browsing tool, then moving the cursor to a desired location. When the browsing tool remains stationary for an amount of time, a magnified image is formed in the viewing area, and the cursor, which is still in the viewing area, is “superimposed over the magnified image” within the meaning of claim 1.

Because Mullet alone teaches all limitations of claim 1, we need not address Appellant’s arguments that it would not have been obvious to combine the teachings of Mullet and Rodriguez (Br. 11). Nor do we need to address Appellant’s arguments that Rodriguez’s cursor cannot be superimposed over the magnified image (Br. 15).

We sustain the rejection of claim 1 under 35 U.S.C. § 103. Appellant has not provided arguments for separate patentability of claims 2-13 and 18-21, but instead relies on the arguments presented for claim 1. Therefore, claims 2-13 and 18-21 fall with claim 1.

*Section 103 rejection of claims 14-17*

Appellant contends that neither Rodriguez nor Mullet teaches a cursor that “masks a portion of the magnified image” as recited in claim 14. Br. 20. However, when the cursor that is displayed by Mullet (FF 2) is located in the viewing area of the magnified image, the cursor “masks a portion of the magnified image” within the meaning of claim 14.

Appellant also contends that neither Rodriguez nor Mullet superimpose the cursor for purposes of selecting a hyperlink. Br. 20. Although Appellant argues that the Specification and the Drawings describe selecting a hyperlink (Br. 17-20), claim 14 does not recite selecting a

hyperlink and Appellant has not provided evidence or persuasive argument for reading this language into or interpreting claim 14 in this manner.

We sustain the rejection of claim 14 under 35 U.S.C. § 103. Claims 15-17 fall with claim 14.

#### CONCLUSION OF LAW

The combination of Rodriguez and Mullet teaches “identifying a selected region . . . wherein the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI” and “superimposing the cursor over the magnified image to form a second image” as recited in claim 1.

#### DECISION

The rejection of claims 1-4, 11, 14, 15, and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez and Mullet is affirmed.

The rejection of claims 5-10, 12, 13, 16, and 17 as being unpatentable under 35 U.S.C. § 103(a) over Rodriguez, Mullet, and Chui is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

**AFFIRMED**

Appeal 2009-007610  
Application 10/033,520

msc

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